

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 24-22523-CIV-MOORE**

KENNY ORTEGA,

Plaintiff,

v.

MIAMI DADE COUNTY, et al.,

Defendants.

MIAMI-DADE COUNTY'S STATUS REPORT

Pursuant to the Court's March 19, 2025 Paperless Order [ECF No. 34], Defendant Miami-Dade County hereby files this Status Report, to advise the Court that the criminal case proceeding against Defendant Officer Joseph Diaz in state court remains open and active. Accordingly, a continuation of the stay already in place is warranted. *See, e.g., Prosper v. Anthony Martin*, Case No. 17-20323 (Altonaga, J.) (staying case for 11 months until the State Attorney's Office and the Miami-Dade Police Department had completed their investigations into the incident at issue); *Loving v. Miami-Dade County et al.*, Case No. 18-21351 (Martinez, J.) (staying case for 3 years until conclusion of the criminal trial against the officer).

As of the date of this filing, there is still an active criminal case proceeding against Officer Diaz, which relates to the very arrest at issue in this case. Therefore, the State Attorney's file, including all reports, documents, and information created in connection with that investigation, remains protected from disclosure under state and federal law. If the stay is not extended, the County would be severely prejudiced in its ability to defend itself because it lacks the information contained in the State Attorney's protected investigatory files. Particularly where Plaintiff is suing

the County for vicarious liability claims based on the Officer's conduct, the information contained in the State Attorney's file is needed to defend against this action.

Officer Diaz's trial is currently scheduled for September 2, 2025. *See* Case No. 2022-CF-000506. Accordingly, the County respectfully requests that the stay in this case be temporarily extended until disposition of Officer Diaz's criminal case.

Dated: May 2, 2025.

Respectfully submitted,

GERALDINE BONZON-KEENAN

Miami-Dade County Attorney
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128

By: *s/ Fabiana Cohen*

Fabiana Cohen

Bar No. 119732

e-mail: cohenf@miamidade.gov

Assistant County Attorney

Phone: (305) 375-5151

Counsel for Miami-Dade County